

## § 102-118.445

against an agency and provide technical, fiscal, and factual data from relevant records;

(f) Provide transportation specialists and lawyers to serve as expert witnesses, assist in pretrial conferences, draft pleadings, orders, and briefs, and participate as requested in connection with transportation suits by or against an agency;

(g) Review agency policies, programs, and procedures to determine their adequacy and effectiveness in the audit of freight or passenger transportation payments, and review related fiscal and transportation practices;

(h) Furnish information on rates, fares, routes, and related technical data upon request;

(i) Tell an agency of irregular shipping routing practices, inadequate commodity descriptions, excessive transportation cost authorizations, and unsound principles employed in traffic and transportation management; and

(j) Confer with individual TSPs or related groups and associations presenting specific modes of transportation to resolve mutual problems concerning technical and accounting matters and acquainting them with agency requirements.

### § 102-118.445 Must my agency pay for a postpayment audit when using the GSA Audit Division?

No, the expenses of postpayment audit contract administration and audit-related functions are financed from overpayments collected from the TSP's bills previously paid by the agency and similar type of refunds.

## 41 CFR Ch. 102 (7-1-14 Edition)

### Subpart F—Claims and Appeal Procedures

#### GENERAL AGENCY INFORMATION FOR ALL CLAIMS

#### § 102-118.450 Can a TSP file a transportation claim against my agency?

Yes, a TSP may file a transportation claim against your agency under 31 U.S.C. 3726 for:

(a) Amounts owed but not included in the original billing;

(b) Amounts deducted or set off by an agency that are disputed by the TSP;

(c) Requests by a TSP for amounts previously refunded in error by that TSP; and/or

(d) Unpaid original bills requiring direct settlement by GSA, including those subject to doubt about the suitability of payment (mainly bankruptcy or fraud).

#### § 102-118.455 What is the time limit for a TSP to file a transportation claim against my agency?

The time limits on a TSP transportation claim against the Government differ by mode as shown in the following table:

TIME LIMITS ON ACTIONS TAKEN BY TSP

Mode	Freight charges	Statute
(a) Air Domestic .....	6 years .....	28 U.S.C. 2401, 2501.
(b) Air International .....	6 years .....	28 U.S.C. 2401, 2501.
(c) Freight Forwarders (subject to the IC Act).	3 years .....	49 U.S.C. 14705(f).
(d) Motor .....	3 years .....	49 U.S.C. 14705(f).
(e) Rail .....	3 years .....	49 U.S.C. 14705(f).
(f) Water (subject to the IC Act).	3 years .....	49 U.S.C. 14705(f).
(g) Water (not subject to the IC Act).	2 years .....	46 U.S.C. 745.
(h) TSPs exempt from regulation.	6 years .....	28 U.S.C. 2401, 2501.

#### § 102-118.460 What is the time limit for my agency to file a court claim with a TSP for freight charges, reparations, and loss or damage to the property?

Statutory time limits vary depending on the mode and the service involved and may involve freight charges. The following tables list the time limits:

## Federal Management Regulation

§ 102-118.480

### (A) TIME LIMITS ON ACTIONS TAKEN BY THE FEDERAL GOVERNMENT AGAINST TSPs

Mode	Freight charges	Reparations	Loss and damage
(1) Rail .....	3 years ..... 49 U.S.C. 11705 .....	3 years ..... 49 U.S.C. 11705 .....	6 years. 28 U.S.C. 2415.
(2) Motor .....	3 years ..... 49 U.S.C. .... 14705(f) .....	3 years ..... 49 U.S.C. .... 14705(f) .....	6 years. 28 U.S.C. 2415.
(3) Freight Forwarders subject to the IC Act.	3 years ..... 49 U.S.C. .... 14705(f) .....	3 years ..... 49 U.S.C. .... 14705(f) .....	6 years. 28 U.S.C. 2415.
(4) Water (subject to the IC Act).	3 years ..... 49 U.S.C. .... 14705(f) .....	3 years ..... 49 U.S.C. .... 14705(f) .....	6 years. 28 U.S.C. 2415.
(5) Water (not subject to the IC Act).	6 years 28 U.S.C. 2415	2 years 46 U.S.C. 821 ..	1 year. 46 U.S.C. 1303(6) (if subject to Carriage of Goods by Sear Act, 46 U.S.C. 1300-1315).
(6) Domestic Air .....	6 years ..... 28 U.S.C. 2415 .....	.....	6 years. 28 U.S.C. 2415.
(7) International Air .....	6 years ..... 28 U.S.C. 2415 .....	.....	2 years. 49 U.S.C. 40105.

### (B) TIME LIMITS ON ACTIONS TAKEN BY THE FEDERAL GOVERNMENT AGAINST TSPs EXEMPT FROM REGULATION

Mode	Freight	Reparations	Loss and damage
(1) All .....	6 years ..... 28 U.S.C. 2415 .....	.....	6 years. 28 U.S.C. 2415.

#### § 102-118.465 Must my agency pay interest on a disputed amount claimed by a TSP?

No, interest penalties under the Prompt Payment Act, (31 U.S.C. 3901, *et seq.*), are not required when payment is delayed because of a dispute between an agency and a TSP.

#### § 102-118.470 Are there statutory time limits for a TSP on filing an administrative claim with the GSA Audit Division?

Yes, an administrative claim must be received by the GSA Audit Division or its designee (the agency where the claim arose) within 3 years beginning the day after the latest of the following dates (except in time of war):

- (a) Accrual of the cause of action;

(b) Payment of charges for the transportation involved;

(c) Subsequent refund for overpayment of those charges; or

(d) Deductions made to a TSP claim by the Government under 31 U.S.C. 3726.

#### § 102-118.475 Does interest apply after certification of payment of claims?

Yes, interest under the Prompt Payment Act (31 U.S.C. 3901, *et seq.*) begins 30 days after certification for payment by GSA.

#### § 102-118.480 How does my agency settle disputes with a TSP?

As a part of the prepayment audit program, your agency must have a plan to resolve disputes with a TSP. This program must allow a TSP to appeal